

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES ROBINSON,

Plaintiff,

-against-

JANICE LYNN WOLF FREIDMAN, *et al.*,

Defendants.

19-CV-10418 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff James Robinson, proceeding *pro se*, is currently incarcerated at Auburn Correctional Facility. On September 24, 2019, Judge Karas dismissed Plaintiff's complaint in *Robinson v. Freidman*, ECF 1:18-CV-2409, 82 (S.D.N.Y. Sept. 24, 2019), and granted him leave to file an amended complaint within thirty days. The Court received the amended complaint on November 7, 2019,¹ but it was assigned a new civil case number because Plaintiff did not label it as an amended complaint or list the 2018 civil case number. Plaintiff labels the submission as an amended complaint, with the 2018 docket number, on page 9. (ECF 1, at 9.)

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. The Clerk of Court is further directed to docket this complaint as an amended complaint in 18-CV-2409 (KMK). The Clerk of Court shall administratively close this case without prejudice to the pending matter.²

¹ The amended complaint is dated November 2, 2019. It is deemed filed as of that date under the prison mailbox rule. *See Houston v. Lack*, 487 U.S. 266, 270 (1988) (A prisoner's document is deemed filed on the date that it is given to prison officials for mailing.)

² Plaintiff did not submit an application for leave to proceed *in forma pauperis* or prisoner authorization. In any event, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: November 12, 2019
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge